

FILED

JUL 18 2003

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION

CLERK, U.S. DISTRICT COURT

MAGISTRATE JUDGE KEYS

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

MARK DRAUGELES

CASE NUMBER:

03CR 702

DOCKETED

JUL 18 2003

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 18, 2003 in Cook County, in the Northern District of Illinois the defendant(s) did (Track Statutory Language of Offense)

travel in interstate commerce from at or near Grand Rapids, Michigan to the Northern District of Illinois, namely, Chicago, Illinois, with the intent and for the purpose of engaging in a sexual act, as defined in Title 18, United States Code, Section 2246, with "Tabbi," whom defendant believed to be a female minor who had not attained the age of 16, and who, unbeknownst to defendant, was in fact an undercover law enforcement agent, in violation of Title 18, United States Code, Section 2423(b).

I further state that I am a(n) Special Agent, United States Postal Service and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Rosita Williams
Signature of Complainant

Sworn to before me and subscribed in my presence,

July 18, 2003
Date

at

Chicago, Illinois
City and State

Arlander Keys
United States Magistrate Judge
Name & Title of Judicial Officer

Arlander Keys
Signature of Judicial Officer

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

A F F I D A V I T

I, Robert A. Williams, being duly sworn, do hereby depose
and state:

1. I am a United States Postal Inspector and have been so employed since July of 1984.
2. The information contained within this affidavit is based on my personal observations or training and information related to me by other law enforcement officers. This affidavit does not contain everything I know about this investigation or all information obtained during the course of this investigation.
3. This affidavit is made in support of a complaint charging MARK DRAUGELIS with violating Title 18, United States Code, Section 2423(b), which states, in pertinent part:

[a] person who travels in interstate commerce, or conspires to do so, . . . for the purpose of engaging in any sexual act (as defined in Section 2246) with a person under the age of 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, or imprisoned not more than 15 years, or both.

Title 18, United States Code, Section 2243(a), which is part of Chapter 109A of the United States Code provides:

whoever...knowingly engages in a sexual act with another person who -

(1) has attained the age of 12 years but has not attained the age of 16 years;

(2) and is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title; imprisoned not more than 15 years, or both.

4. The following terms have the indicated meaning in this affidavit:

The terms "minor" and "sexually explicit conduct" as used herein are defined as set forth in 18 USC, Section 1030(e)(1).

The term "computer" as used herein is defined as set forth in 18 USC, Section 1030(e)(1).

5. Since February of 1992, I have been the coordinator of the Federal Child Exploitation Strike Force which is comprised of federal, state, and local law enforcement officers. The purpose of the Strike Force is to identify persons seeking to sexually exploit or abuse minors. In addition to my experience, I have received training in the investigation of child sexual exploitation and computer-related child sexual exploitation crimes. I have personal knowledge in the operation of a computer. Based on this training and knowledge, I know the following: The Internet is a worldwide computer network that connects computers and

allows communications and the transfer of data and information across state and national boundaries. Individuals who use the Internet can communicate with each other by using electronic mail, also known and referred to herein as "email", or using instantaneous private messaging communications. Email is an electronic form of communication that can contain letter-type correspondence and graphic images. Email is similar to conventional paper-type mail in that it is addressed from one individual to another. Instantaneous communications over the Internet (Instant Messages) allow two persons to communicate with each other privately and immediately where email presents a delay in communication. An email message usually contains a header that gives the screen name, the identity of the Internet access provider, and the return address on the Internet of the individual who originated the message or graphic. Yahoo provides a user with the capacity to communicate with other users worldwide through the means of "chats" and "emails." These electronically typed "chats" can occur privately between two users or among a group which is called a "chat room." These "chat rooms" or "channels" are areas of the Internet that allow users to enter and discuss topics of mutual interest. A Yahoo user is specifically identified by the nickname that he or she entered in connecting to an chat room. A user can change his or her nickname at any time, and can use a nickname that someone else previously might have used.

As part of our duties, Strike Force investigators often enter chat rooms on the Internet while posing as minors. Chat rooms are areas of the Internet that allow users to enter and discuss topics of mutual interest.

6. On or about June 27, 2003, Cook County State's Attorney Investigator Diane Schlamadinger was in the Strike Force office. She was acting in the undercover capacity of a 14-year-old female child named "Tabbi". She was utilizing Yahoo chat rooms on the Strike Force undercover computer. An individual using the screen name of "michael_2728" (now known to be MARK DRAUGELIS) initiated a computer "chat" conversation with "Tabbi" which lasted approximately 80 minutes. "Tabbi" identified herself to DRAUGELIS as being 14 years of age. Some of the statements made by him to "Tabbi" were as follows:

"...hey so have you ever been with an older guy...i have thought about being with a younger girl...geez maybe we could have lunch together...yeah I would travel to see you...Could I take you shopping...I could come soon if you like...Maybe i could buy you some sexy high heels...and a short skirt..."

7. Since that first chat, Investigator Schlamadinger and DRAUGELIS have had additional computer chats. In these chats, DRAUGELIS again expressed his desire to travel to

Chicago, Illinois from his residence in Michigan to have sex with "Tabbi", whom he believed to be 14 years of age.

Several examples of these computer chats are listed below:

June 27, 2003:

"...do you think you would ever consider having...playing around ...sexually...i mean with me..."

"...your[sic] not a law officer are you...well just trying to be safe...from getting arrested...cuz your under age..."

"...do you think you would like to be naughty..."

"...i am a boy scout on the outside....but a bad boy on the inside...so I hope you can be a bad girl..."

"...well maybe i will have to teach you about eroticism..."

"...well do you think you would like oral sex..."

"...i would gently spread your legs...apart...and gently spread your pussy lips apart...and blow warm air on your clit... then i would slowly insert two fingers in your wet pussy..."

July 14, 2003 - Computer Chat

"would you mind sitting on my lap at the motel room...would you like to show me your pretty pussy at the motel room..."

"...do you want me to spank your lil bottom...do you want me to lick your lil pussy...do you want to hold my cock...we could have candle light and wine...do you think you would want me to... maybe fuck you sometime..."

7. During the July 14, 2003 computer chat, DRAUGELIS provided "Tabbi" with a cell phone number so "she" could call him. On July 15, 2003, at approximately 11:44 a.m. and approximately 12:03 p.m., Cook County Sheriff's Deputy Tiffany Russ, while posing as the minor female, called DRAUGELIS on his cellular telephone. During these recorded calls, DRAUGELIS told "Tabbi" that he planned to travel from Michigan to Chicago on Friday, July 18, 2003 to meet her. He said that he would try to be in Chicago by 9:00 or 10:00a.m. He told her his address was 2410 Okemos St., Grand Rapids, MI 49506 and that his real name was Mark Draugelis. "Tabbi" told him that she would mail her picture to him at that address. (A picture of a minor female and letter were later mailed to DRAUGELIS at that address). He told "Tabbi" that he would buy her shoes and g-strings when he came to Chicago. He said that he would then take pictures of her wearing the shoes and g-strings. He told her that he would also bring condoms and wine.

8. After these telephone conversations, Investigator Schlamadinger and DRAUGELIS had additional computer chats:

July 15, 2003 - Computer Chat

Some of DRAUGELIS' communications included:

"...i have to trust you too...cause I think I can go to jail for being with you...cuz your under age..."

"...well have you ever had fingers in your lil pussy..."

"...i got the room already at the H...Inn...it will be great for us to meet at the Post Office...and then go to the H Inn together..."

"...i will show you things...things to make you feel good..."

"...and we can paly[sic] and have fun taking pics...like your my...model..."

"...hope your getting horny for Friday..."

July 16, 2003 - Computer Chat

"...i will have to leave for chicago about 6 am..."

"...i hope your pic arrives in the mail on Thursday..."

"...i will check in at the hotel as soon as I arrive in chicago..."

"...we can take some erotic pics...erotic is like sensual and sexy at the same time..."

"...i am getting hard thinking about it..."

"...i am at my home office...so no one to bother me..."

9. On July 18, 2003 at approximately 10:00a.m., Deputy Russ, again posing as the minor female, had another phone conversation with DRAUGELIS. In these recorded calls, DRAUGELIS told deputy Russ that he had arrived in Chicago and was in the Holiday Inn located at the corner of Harrison and Canal Streets. The two agreed to meet in front of the Post Office at 10:30a.m. He told her he would be wearing a

white tee shirt and blue pants. She told him that she would be wearing blue jean overalls and a white t-shirt.

10. At approximately 10:30 a.m., Cook County Sheriff's Investigator Mary Perovich, posing as the minor female, was seated on the steps of the U.S. Postal Service Main Office at 433 W. Harrison Street. Surveillance units of the Strike Force observed a white male wearing a white tee shirt and blue pants approach her and have a conversation. That person (now known to be MARK DRAUGELIS) was taken into custody.

11. DRAUGELIS was advised of his Miranda Rights, and he stated that he understood his rights. He then agreed to answer questions. He also agreed to sign Consent to Search Forms for his hotel room, automobile, residence in Michigan, his computer, and his computer files. He stated that in June of 2003, he began chatting via Internet with a female named "Tabbi". He said that he believed her to be 14 years of age and that she lived in Chicago. He said that he liked "Tabbi" and enjoyed chatting with her. He said that they chatted about many topics including sex. He said that "Tabbi" told him that she had never had sex before. DRAUGELIS said that he offered to come to Chicago and teach her about sex. He said that they agreed to meet today and, if she liked him, they would go to his room and have sex. He said that he had bought her some shoes and g-strings so

that she could model them for him in the hotel room. He stated that he rented a room at the Holiday Inn across the street from the Post Office. DRAUGELIS said that he left his residence in Grand Rapids, MI via automobile that morning at approximately 7:00 a.m. Eastern Daylight Time and drove to Chicago. He said that he arrived at approximately 10:00 a.m. He was shown copies of all the chats that occurred between "Tabbi" and himself. He initialed and dated each one, indicating that he recognized them and that he was the person who had chatted with "Tabbi". He stated that he had brought condoms with him but would only have sex with her if she agreed. He admitted that images of child pornography were contained on his computer at his residence in Grand Rapids, MI. DRAUGELIS submitted a written sworn statement as to his actions.

12. Agents then searched DRAUGELIS' room at the Holiday Inn. Among the items agents found were a digital camera, high-heel shoes, wine, candles, condoms, and Viagra pills.



Robert A. Williams
U.S. Postal Inspector

Sworn to and subscribed before
me this 18th day of July, 2003



Arlander Keys
U.S. Magistrate Judge